COUNTY OF FAIRFAX, VIRGINIA

SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

JAMES A. MADISON, JR., SP 2011-PR-100 Appl. under Sect(s). 8-914 and 8-922 of the Zoning Ordinance to permit reduction to minimum yard requirements based on error in building location to permit shed to remain 4.0 ft. from side lot line and to permit reduction of certain yard requirements to permit construction of roofed deck 22.3 ft. from front lot line. Located at 2903 Adams Pl. on approx. 11,246 sq. ft. of land zoned R-4. Providence District. Tax Map 50-4 ((13)) (6A) 35. Mr. Hart moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on February 1, 2012; and

WHEREAS, the Board has made the following findings of fact:

- 1. The applicant is the owner of the land.
- 2. With respect to the front porch, the Board has a favorable staff recommendation.
- 3. The Board adopts the rationale in the staff report.
- 4. Based on the drawings in the staff report, it appears that the porch would be architecturally compatible with the house and the other homes in the neighborhood.
- 5. There would not be any significant negative impact on anyone with respect to the front porch.
- 6. With respect to the shed, the Board does not have a staff recommendation.
- 7. The shed appears to have been in its current location for a while, and it has not seemed to have caused any problems.
- 8. The shed is relatively inconsequential.
- 9. The shed is consistent with other sheds in the neighborhood.
- 10. There would not be any significant negative impact on anyone with respect to the shed.
- 11. The application meets all the submission requirements set forth in Sect. 8-922 and the standard motion.

THAT the applicant has presented testimony indicating compliance with Sect. 8-006, General Standards for Special Permit Uses, and the additional standards for this use as contained in the Zoning Ordinance. Based on the standards for building in error, the Board has determined:

- A. That the error exceeds ten (10) percent of the measurement involved;
- B. The non-compliance was done in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a Building Permit, if such was required;

- C. Such reduction will not impair the purpose and intent of this Ordinance;
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity;
- E. It will not create an unsafe condition with respect to both other property and public streets;
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner; and
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

AND, WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

- 1. That the granting of this special permit will not impair the intent and purpose of the Zoning Ordinance, nor will it be detrimental to the use and enjoyment of other property in the immediate vicinity.
- 2. That the granting of this special permit will not create an unsafe condition with respect to both other properties and public streets and that to force compliance with setback requirements would cause unreasonable hardship upon the owner.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED**, with the following development conditions:

- 1. This special permit is approved for the location and size of the roofed deck and shed, as shown on the plat prepared by Walter L. Phillips, Inc., dated April 15, 2011, revised through January 4, 2012, as submitted with this application and is not transferable to other land.
- 2. The roofed deck shall be generally consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect.8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request

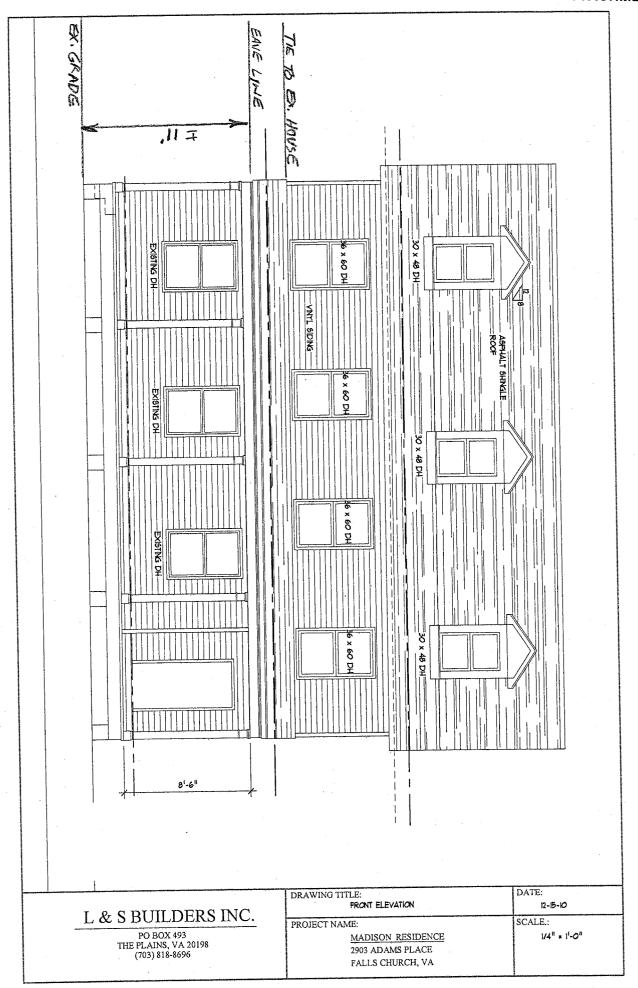
must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

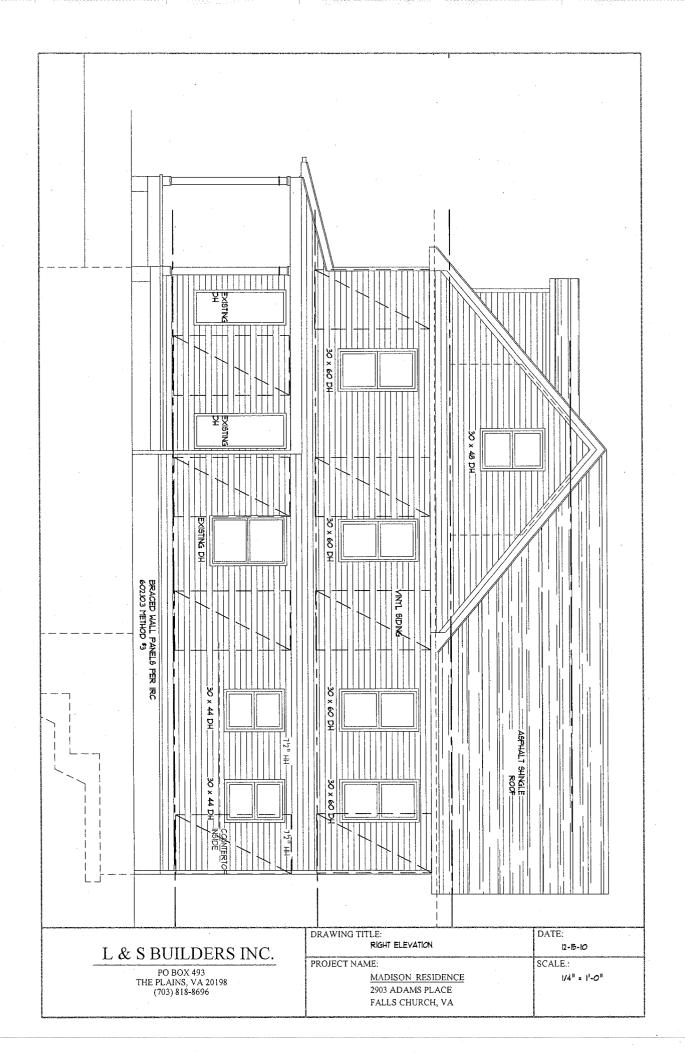
Mr. Smith seconded the motion, which carried by a vote of 6-0. Mr. Hammack was absent from the meeting.

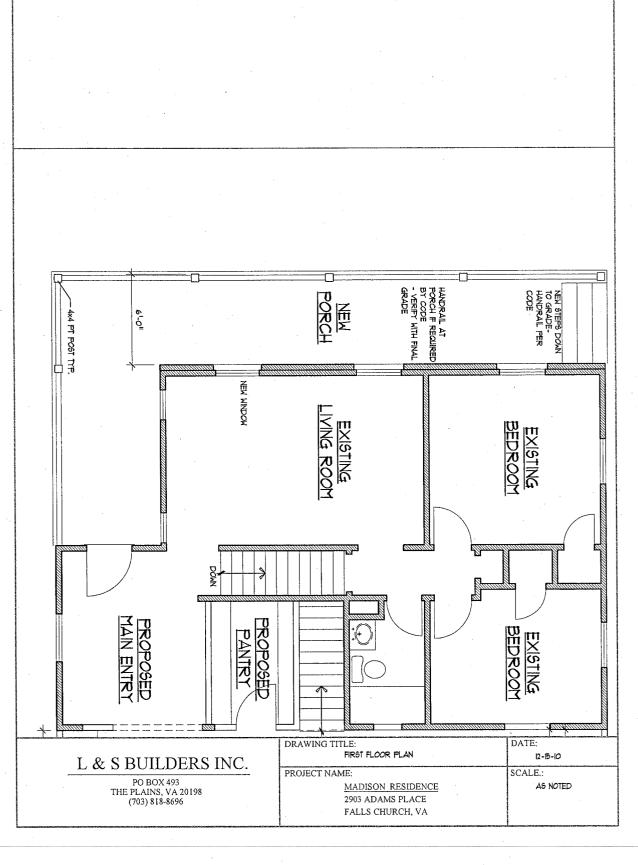
A Copy Teste:

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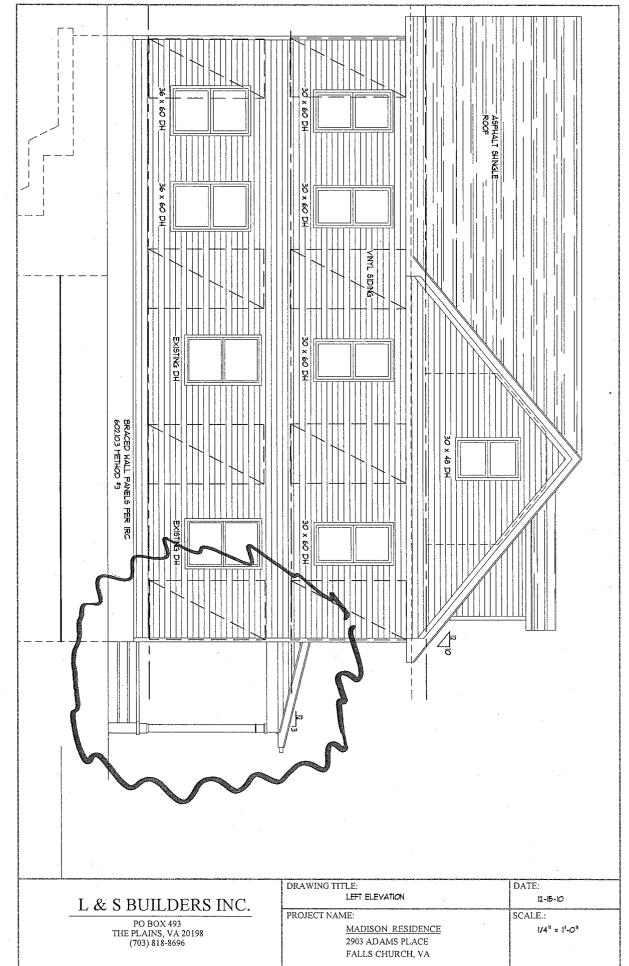
Clerk to the Board of Zoning Appeals



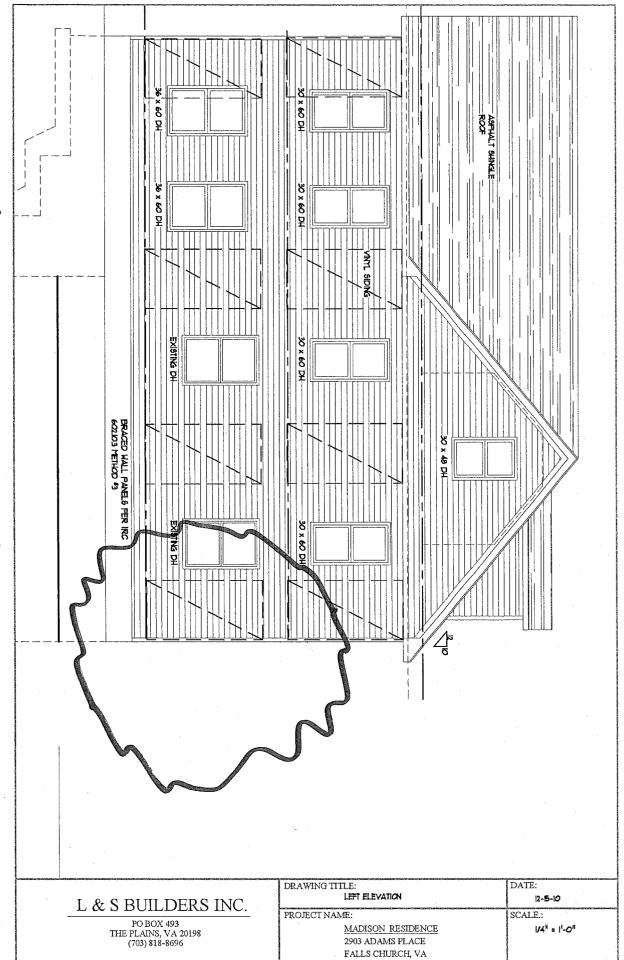




NORTH ECEV. - WITH PARCH



NORTH CEV. - NO PACH



Source Circ. - NO PORCH

